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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,501	01/16/2004	Donald Edward Benson	SVL920030128US1	6340

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EXAMINER

STACE, BRENT S

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,501

Applicant(s)

BENSON ET AL.

Examiner

Brent S. Stace

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-19 have been examined. Claims 1-19 have been rejected. This document is the first Office action on the merits.

Information Disclosure Statement

2. The information disclosure statement is being considered by the examiner.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: detail 226, page 9, paragraph [031]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Since the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

Claim Objections

6. Claim 6 is objected to because of the following informality:
- a. Claim 6 depends from itself.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. Claims 10-17 lack a useful, concrete, and tangible result because the computer program product appears to be directed at software per se which is functional descriptive material per se that is non-statutory subject matter. This program must be reflected in the claims as being stored on at least a medium.

10. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 10 recites the limitation "said medium" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection propagates downward through dependent Claims 11-17.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-7, 9-16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows XP SP1 (Windows).

Claim 1 can be mapped to Windows as follows: "A method of validating a request, [Windows, Fig. 3] said method comprising:

- receiving a request that affects an item; [Windows, Fig. 3]
- identifying a version of the item based on a first time; [Windows, Fig. 3]
- determining whether the request affects an object associated with the item; [Windows, Fig. 3]
- identifying a version of the object based on a second time when the request affects the object; [Windows, Fig. 3] and
- completing the request based on the version of the item and the version of the object" [Windows, Fig. 3].

Claim 2 can be mapped to Windows as follows: "The method of claim 1, wherein receiving the request comprises receiving a request for deleting the item" [Windows, Fig. 3].

Claim 3 can be mapped to Windows as follows: "The method of claim 2, wherein identifying the version of the item comprises retrieving a timestamp for the item" [Windows, Fig. 3].

Claim 4 can be mapped to Windows as follows: "The method of claim 2, wherein identifying the version of the item comprises retrieving the timestamp and an identifier for the item" [Windows, Fig. 3].

Claim 5 can be mapped to Windows as follows: "The method of claim 1, wherein identifying the version of the object comprises retrieving a timestamp for the object" [Windows, Fig. 3].

Claim 6 can be mapped to Windows as follows: "The method of claim 6, wherein identifying the version of the object comprises retrieving the timestamp and an identifier for the object" [Windows, Fig. 3].

Claim 7 can be mapped to Windows as follows: "The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:

- determining whether the version of the item matches the version of the object; [Windows, Fig. 4] and
- completing the request when the versions of the item and object match" [Windows, Fig. 4].

Claim 9 encompasses substantially the same scope of the invention as that of Claim 1, in addition to an apparatus and some means for performing the method steps

of Claim 1. Therefore, Claim 9 is rejected for the same reasons as stated above with respect to Claim 1.

Claims 10-16 encompass substantially the same scope of the invention as that of Claims 1-7, respectfully, in addition to a computer program product and some program code for performing the method steps of Claims 1-7, respectfully. Therefore, Claims 10-16 is rejected for the same reasons as stated above with respect to Claims 1-7, respectfully.

Claim 18 can be mapped to Windows as follows: "A method of processing requests that delete an item, wherein the item includes associated objects, [Windows, Fig. 3] said method comprising:

- receiving a request that deletes an item; [Windows, Fig. 3]
- identifying a first age of the item affected by the request; [Windows, Fig. 3]
- retrieving information indicating a second age of at least one associated object; [Windows, Fig. 3] and
- selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object" [Windows, Fig. 3].

Claim 19 encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the method steps of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows XP SP1 (Windows) in view of "Mac OS X: The Missing Manual" (MacOSX).

For **Claim 8**, Windows teaches: "The method of claim 2, wherein completing the request based on the version of the item and the version of the object comprises."

Windows discloses the above limitation but does not expressly teach:

- "determining whether the version of the item is older than the version of the object; and

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- completing the request when the version of the item is older than the version of the object.”

With respect to Claim 8, an analogous art, MacOSX, teaches:

- “determining whether the version of the item is older than the version of the object; [MacOSX, second tip] and
- completing the request when the version of the item is older than the version of the object” [MacOSX, second tip with Windows, Fig. 3].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and Windows before him/her to combine MacOSX with Windows because both inventions are directed towards copying/moving/replacing/deleting files on a computer.

MacOSX's invention would have been expected to successfully work well with Windows's invention because both inventions use computers with GUI file interfaces. Windows discloses an operating system comprising GUI for file management. However, Windows does not expressly disclose determining whether the version of the item is older than the version of the object. MacOSX discloses a operating system comprising GUI for file management.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and Windows before him/her to take the determining whether the version of the item is older than the version of the object from MacOSX and install it into the invention of Windows, thereby offering the obvious

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advantage of removing the user from determining if files are older/newer (or matching), thereby eliminating possible error.

Claim 17 encompasses substantially the same scope of the invention as that of Claim 8, in addition to a computer program product and some program code for performing the method steps of Claim 8. Therefore, Claim 17 is rejected for the same reasons as stated above with respect to Claim 8.

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Conclusion

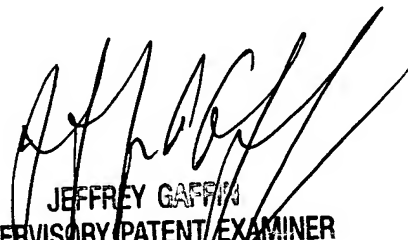
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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